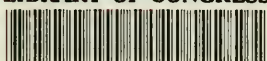


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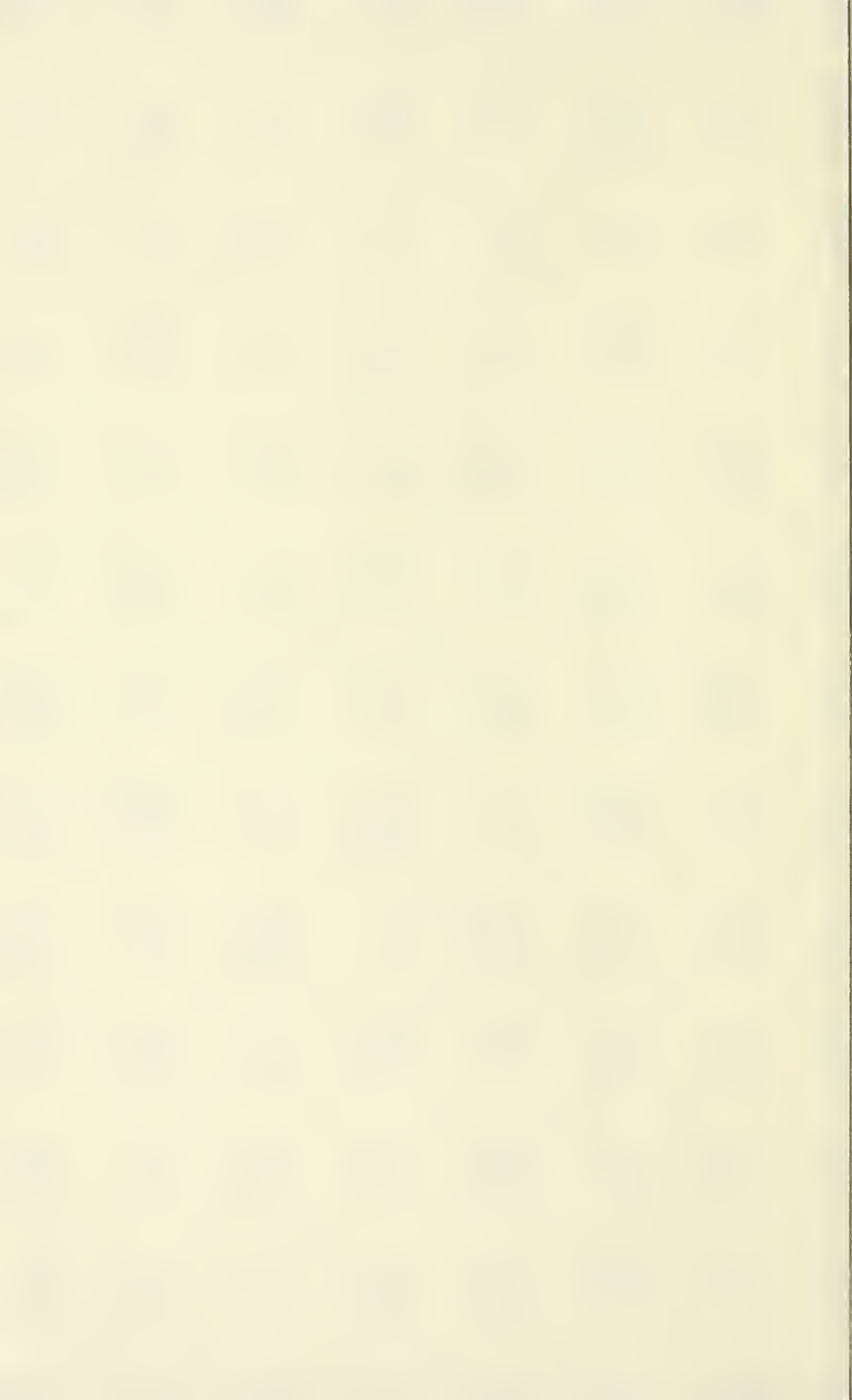
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SPEECH

OF

MR. JOSHUA A. LOWELL,

OF MAINE,

ON THE ARMY APPROPRIATION BILL:

DELIVERED IN THE

25-10
HOUSE OF REPRESENTATIVES,

MONDAY, MAY 30, 1842.



WASHINGTON:

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1842.

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SPEECH.

The House being in Committee of the Whole on the state of the Union (Mr. UNDERWOOD of Kentucky in the chair) on the bill "making appropriations for the support of the army and of the military academy for the year 1842"—

Mr. LOWELL addressed the committee as follows :

Mr. CHAIRMAN: I concur fully in the opinion expressed by the honorable gentleman from Virginia, [Mr. GILMER,] that it is contrary to the genius and true policy of our Government to maintain a large standing army in time of peace. We ought, however, to have our military defences on a respectable footing, as compared with those of other nations. The commanding points on our extensive maritime and inland frontier should be strongly fortified; and a sufficient number of men should be at all times stationed at those places, to protect the public property, and to resist successfully any ordinary assaults. Other places of importance upon the inland frontier, exposed to sudden invasions from the inhabitants of the adjoining territory, or to the incursions of Indian tribes located on our borders, ought also to be suitably fortified and defended at all times.

In addition to this, we need, in the language of the honorable gentleman from North Carolina, [Mr. McKAY,] "a skeleton army," composed of some of all the officers and various corps which would be needed in actual service; so that, in time of war, this small regular army, thoroughly drilled, disciplined, and instructed in all the arts of arms, may be made the nucleus around which to rally the militia of the whole country, to any extent that the exigencies of the times may require.

We need, then, even in time of peace, some permanent military force for the national defence; and it should be commensurate with, or at least should bear some relation to, the extent, the magnitude, population, and wealth of the country.

We need at all times a navy, consisting of sufficient ships to protect our merchant vessels and our seamen in all parts of the world—for our commerce now whitens every ocean and every sea; and to cause our flag to be respected by the cruisers of other nations, even when it is borne at the masthead of a merchant ship.

If we compare our little army of 12,000 men with the 130,000 or 125,000 of Great Britain—with the 250,000 or 300,000 of France—and the 500,000 or more of Russia—we shall find, after making all proper allowance for the difference in the geographical

situations of the respective countries, their forms of government, and the pursuits, habits, and education of the people, that our present army is not too large.

If we compare our naval force, consisting of but sixty-eight ships of war of every description, in commission, in ordinary, and building, with the naval force of Great Britain, consisting of five hundred and ninety-five ships of war of all kinds—with that of France, consisting of three hundred and fifty ships of war—or with that of Russia, which is but little, if any, inferior to that of France; and recollect that our foreign tonnage and our commercial marine are nearly equal to those of England, and far superior to those of France or Russia, we cannot come to any other conclusion than that our navy is, to say the least, sufficiently small.

While, therefore, we do not need so large an army and navy as those nations, our military force ought to bear some proportion to theirs, if we intend to maintain our rank among them as an independent nation, knowing our rights and prepared to defend them.

Entertaining these views, I have, since I first had the honor of a seat in Congress, voted uniformly and invariably in favor of all the appropriations required by the Administration for the time being, for the support of the army and navy, and for the erection of fortifications; although the State which I have the honor in part to represent on this floor has been most strangely and unjustly neglected. I shall continue to do so, until I shall become satisfied that the sums required by the respective departments are larger than the wants of the country and our pecuniary means will justify.

In the annual speech of the first President of the United States to both Houses of Congress, in December, 1793, (for, at the commencement of our Government under the Constitution, it was the practice for the President to meet both Houses, and address them in person, instead of communicating by written message, as at present,) is the following patriotic and statesman-like advice.

I ask the serious attention of the committee to what I am now about to read, for my remarks are intended for *their consideration*, and not for home consumption:

"I cannot (says he) recommend to your notice measures for the fulfilment of our duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of complete defence, and of exacting from them the fulfilment of their duties towards us. The United

States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations, which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace—one of the most powerful instruments of our rising prosperity—it must be known that we are **AT ALL TIMES READY FOR WAR.**"

These are the sentiments of one who was justly denominated "*the Father of his Country*"—of one who, in the funeral oration delivered by Maj. Gen. Henry Lee, was pronounced "**FIRST IN WAR, FIRST IN PEACE, AND FIRST IN THE HEARTS OF HIS COUNTRYMEN.**" I recollect of reading this speech of the first President when I was a boy. It made an impression on my mind which can never be eradicated; and I trust the time will never come when such advice from such a source shall be either forgotten or disregarded in an American Congress.

I cannot agree with the gentleman from Virginia, [Mr. GILMER,] that our present military force is any larger than would be needed for a permanent peace establishment.

But, sir, admitting, for the sake of argument, that our army and navy are a little larger than would be needed for a permanent peace establishment: *is the present a judicious time to reduce them?*—with all the numerous questions between us and Great Britain, which have repeatedly threatened hostilities, and, a few months since, brought us to the very brink of a war with that formidable nation, still pending.

To say nothing of the Florida war, which we were informed might be considered at an end—although the honorable delegate from that Territory [Mr. LEVY] had since read to the House most appalling accounts of recent murders committed by the Indians in that Territory; to say nothing of Mexico—for I do not think we have much to fear from her in her present condition;—to say nothing of these, how can the gentleman say there is not a speck of war to be seen in the whole horizon? What aspect could our relations with Great Britain assume, that would indicate war with her, if he sees no indications now? She has insulted our flag on the high-seas—she has seized and searched our ships—she has seized and condemned our fishing vessels—she has destroyed our property, imprisoned and murdered our citizens—she has taken military possession of a portion of the territory of one of the States of the Union—she is now occupying our territory with her troops;—and Vattel, Grotius, and all other writers on the laws of nations, agree that these are *just causes of war*. Let us not be deceived or lulled to repose by the syren song of peace, peace; lest we find to our sorrow there is no peace. I speak with confidence when I say, that if Great Britain do not make full, ample, and complete satisfaction for the wrongs and injuries she has inflicted upon us, there will inevitably be a *war* between the two countries; or, what is worse, *national disgrace and degradation*.

It is true, that Government has recently sent a minister extraordinary and special to the United States, and, as it is said, vested with full power to settle all matters in controversy between the two countries. It is equally true, that none of those questions have yet been settled; and it ought to be remembered that some of them are of long standing, and of the gravest character which can ever occupy the attention of the United States and Great Britain.

Lord Ashburton has come to the United States

ostensibly to negotiate for peace; but whether the result will be peaceful or otherwise, will depend on the terms on which he proposes to settle the pending questions. He has come, it is true, with the *olive branch* in one hand; but he has the *sword* in the other. The one is an emblem of peace—the other an instrument of war. He has come to give us our choice—peace, on such terms as he may dictate; or war, on such terms as we can get. The very name of the ship which bears him to our shores (*the Warspite*) is ominous. He comes in a first-rate specimen of a perfect ship of war, with a full complement of guns, men, and ammunition; and on entering one of our harbors, somewhat celebrated in the history of the country, it is said there were not sufficient men at the fortifications to return the salute fired by the British frigate!

Some of our great seaports have been put in a respectable posture of defence, but others are in a most exposed and dangerous situation. In an especial manner may this be said of Maine, the State which I have the honor, in part, to represent on this floor. She has a maritime frontier of three hundred miles in extent, and an inland frontier of six or seven hundred miles in extent—making a line of exposed frontier of near a thousand miles in length. She is the most exposed State of any in the Union—surrounded almost entirely by the ocean, New Brunswick, and Canada.

Yet the whole of her maritime frontier has only some unfinished fortifications in Portland harbor, (Fort Preble and Scammel,) with one company of United States artillery, and a small dilapidated fort at Eastport, (Fort Sullivan,) where there is another company of artillery, with two hundred and fifty miles of seacoast, indented with navigable rivers, and beautiful bays and harbors, with an intelligent, enterprising, and hardy people occupying their banks, lying between these two points, and exposed to any naval force that might be sent against them.

We have at Houlton, on the eastern line of the State, the Hancock barracks, in a dilapidated condition, with several companies of artillery; and we have one company recently ordered to the Aroostook, and another to Fish river: which last companies, we are informed by the major general commanding the army, are placed there for *police purposes*.

Here, then, is a frontier of near one thousand miles in extent, without a permanent and substantial fortification on or near the whole line; and the British actually holding military possession, and having, according to the report of the land agent of Maine, four military posts established on our territory, with an immense military and naval depot at Halifax, within a few hours' sail.

Boards of officers, consisting of engineers and others, have reported, from time to time, in favor of the erection of fortifications for our defence at various points, namely: at Portland harbor, at the mouth of the Kennebec, at the narrows on the Penobscot, at Calais, Eastport, Machias, Mount Desert island, Castine, St. George's bay, Damariscotta, Broad bay, Sheepscot bay, at the mouth of Saco river, at the mouth of Kennebec river, at York, and at other places, with a central arsenal at Bangor. But the works, with the exception of those in Portland harbor, (which are unfinished, and I fear always will be,) have not yet been commenced; and the reports, like every thing else which relates to the defence of our State, have been laid aside, and forgotten or neglected. At the late extra session there was a little appropriation of \$25,000 for the

erection of a military post at the junction of the Mattewamkeag and Penobscot; but we are informed by the War Department that a *survey* of the *site* has not yet been commenced.

In addition to our exposed frontier, we have an immense amount of property exposed on the ocean. We build more tons of shipping than any other State in the Union. During the year ending September 30, 1840—the last year of which we have any official accounts—there were built in Maine, fifty ships, fifty-six brigs, and seventy-five schooners, measuring 33,936 tons; while all the rest of the United States built but forty-seven ships, fifty-three brigs, and three hundred and three schooners, with other vessels, measuring, in all, 79,372 tons. Maine, therefore, is the first State in the Union in regard to the tonnage of ships annually built; and actually builds about half as much as all the other States put together. She is the second in the extent of her fisheries and lumber; the fourth in tonnage owned; the seventh in commercial imports; and the eleventh in exports. The State, therefore, which is the first in the Union in shipbuilding, the second in the extent of her fisheries and lumber, the fourth in tonnage owned, the seventh in imports, and the eleventh in exports, and which has an exposed frontier of one thousand miles in extent, is left wholly defenceless, with the exception of those dilapidated forts, and the few companies of artillery stationed within her borders.

Mr. Chairman, I have spoken of the aspect of our relations with Great Britain. Some of the most important questions pending between her and the United States are the Northeastern boundary; the Northern boundary; the Northwestern boundary; the encroachments in the Oregon territory; the destruction of the Caroline and the murder of our citizens; the seizure and condemnation of our fishing vessels; the outrages upon the Comet, Encomium, Enterprise, Creole, and Hermosa; the seizure and search of the ship Seamew, the barques Jones and William and Francis, and other merchant ships, on the west coast of Africa.

The honorable gentleman from Massachusetts [Mr. Cushing] has said that the first was the gravest question of all. It is so; and I claim the attention of the committee while I give a brief historical sketch of that controversy—tracing it from the treaty of 1783 to the present time—that they may see the immense importance of the question in a national point of view, and judge of the probability of a settlement, by Lord Ashburton, of this great question.

In the second article of the treaty of 1783, the Northern boundary of the United States is described in these words: "From the northwest angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of the St. Croix river, to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river." The Eastern boundary is expressed in these words: "East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy, to its source; and from its source directly north to the aforesaid highlands, which divide the rivers which flow into the Atlantic ocean from those which fall into the river St. Lawrence."

It appears that the river St. Croix derived its name from the cross which had been erected by the first settlers on its banks, who are understood to

have been French Catholics. There are two rivers which have their mouths in the Bay of Fundy, and which were known at different times by the name of St. Croix. There had been a settlement on each of them, and crosses had been erected on the banks of each. Hence some uncertainty arose as to which of these rivers was the one intended by the treaty of 1783. The Americans contended that the Magaguadavic, and the English that the Scoudiac, was the river intended by the treaty.

To settle this question, it was provided in the fifth article of the treaty of 1794, commonly called "Jay's treaty," that commissioners should be appointed by the two Governments. In pursuance of which, commissioners were appointed a few years after, and in 1793 proceeded to discharge the duty assigned them. They decided that the Scoudiac was the river intended by the treaty, and that the northern branch, called "Chaputnatcook," was the true source of the river. They, therefore, proceeded to establish the boundary-line from the mouth of that river in the Bay of Fundy, along the middle of the river, to its source. They then commenced the due-north line at the source of the river, and marked a yellow birch tree by the line, which they encircled with iron hoops, and which has been known by the name of the "Monument" from that time to the present. The commissioners then made reports to their respective Governments, which were duly accepted; and thus all difficulties seemed to be amicably and fairly settled.

There can be no doubt that the decision was wrong, as subsequent developments have shown; but it was a fair decision, and made in accordance with the weight of such evidence as the commissioners had before them. It has since been proved, and admitted, that the map which the commissioners who formed the treaty of 1783 had before them, was what is known by the name of Mitchell's map. The copy used by them has been obtained, and the river which we claimed as the St. Croix is marked upon it as the "R. St. Croix." The due-north line is there marked from that river; and the one since erroneously decided to be the St. Croix is on that map called the "Passamacadie R." Although the decision was against us, and has since been proved to be wrong, yet we felt bound to abide by it.

Here, then, the only difficulty that ever ought to have arisen in connexion with the boundary was amicably adjusted; and all that remained to be done was to run and mark the meridian line from the monument to the highlands which divide the rivers which flow into the Atlantic ocean from those which fall into the river St. Lawrence, and thence along the highlands to the northwesternmost head of Connecticut river. But it was not done.

Mr. Chairman, the language used in the description of those boundaries is so plain, that it seems scarcely possible for honest and honorable men to differ in their construction of it. If such language were used in a deed of conveyance, describing the line between yourself and your neighbor, sure I am that no lawsuit would be necessary to determine your respective rights. You would call your surveyor, run the line, erect your monuments, and continue to live as good neighbors.

The first intimation we have of any claim on the part of the British to the territory now most unjustly brought into dispute, was given sixteen years after.

At the formation of the treaty of Ghent, in 1814, the British commissioners proposed to ours "*such a variation of the line of frontier as may secure a direct*

communication between Quebec and Halifax." Our commissioners replied that "they had no authority to cede any part of the territory of the United States, and to no stipulation to that effect would they subscribe." The British commissioners rejoined, that "the proposal left it open to them (the American commissioners) to demand an equivalent for such cession, either in frontier or otherwise."

They then insinuate, for the first time, that any doubt existed as to our title. They say, "the American commissioners must be aware that the boundary of the district of Maine has never been correctly ascertained; that the one asserted at present by the American Government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British plenipotentiaries who concluded the treaty of 1783; and that the greater part of the territory in question is actually unoccupied."

This faint pretension of any claim on the part of the British was repelled by our commissioners. But they proceeded to insert an article in the treaty they were then framing, for ascertaining and marking the line. And the 5th article of the treaty of Ghent provides for the appointment of commissioners by the two Governments, to survey the boundary-line; and in the event of a disagreement between the commissioners, it provides a submission of the matter in controversy to some friendly sovereign or state for arbitration.

Commissioners were appointed; but, as might have been expected after the failure to obtain a cession from the United States commissioners at Ghent, they were unable to agree. They could not agree as to what point was the northwest angle of Nova Scotia—which of two ranges of highlands were the highlands mentioned in the treaty of 1783—what point was the 45th parallel of latitude—nor what point was the northwesternmost head of Connecticut river. The event had occurred, therefore, in which our Government was bound, by the treaty of Ghent, to submit these questions to some friendly sovereign or state; and accordingly, on the 29th of September, 1827, a convention was entered into by the two Governments, specifying the terms and conditions on which the matters were to be submitted; and they afterwards selected "William I., King of the Netherlands," as the friendly sovereign or state to decide the questions. He was, at the time of his selection, *King of the Netherlands*; but, after contending against a successful rebellion of his own subjects; after being stripped of a portion of his dominions, (Belgium,) and rendered dependent on England for the remainder—thereby becoming, in fact, only *King of Holland*—a different sovereign and state, and ceasing to be independent—he, in 1830, for the first time, found leisure to hear the parties on the matters submitted to the "King of the Netherlands."

Our Government had, in the mean time, appointed Judge Preble, a distinguished citizen of Maine, as minister to that court, with a view to the conducting of the cause before the arbiter.

After hearing all the proofs and arguments, the arbiter, on the 10th of January, 1831, made his award on the question of the northwesternmost head of Connecticut river, namely: That the source of the stream running into and through the Connecticut lake, is the true northwest head of that river; and he gave his advice as to the settlement of the other questions, which he declared his own inability to decide. He recommended, as a convenient boundary, a line which should run from the

monument due north to the St. John's river; and thence should follow the deepest channel (*thalweg*) of said river to the river St. Francis; and thence the deepest channel of the St. Francis to its southwesternmost source; thence, along the highlands, to the northwesternmost head of Connecticut river.

The American minister protested, in the name and behalf of his Government, against this pretended award or decision; and then returned to the United States. As soon as the fact became known to the Legislature of Maine, they, also, protested against its acceptance, as they had previously done against the submission.

The President laid the award before the Senate, early in the session of 1831-2, for their determination, whether they would advise a submission to the opinion delivered by the sovereign arbiter, and consent to its execution. The Senate, after much consideration, determined to advise the President to communicate to the British Government that the United States decline to "adopt the boundary recommended by his Majesty the King of the Netherlands, as being suitable, between the dominions of his Britannic Majesty and the United States; because, in the opinion of the Senate, the King of the Netherlands has not decided the question submitted to him touching the northern and northeastern boundary of the United States." And they proceeded to advise the President to open a new negotiation for the ascertainment of the boundary-line.

The award was also subsequently rejected by the British Government.

I shall not stop to argue the question of our title. It is sufficient for us that the United States Government, through its President and both branches of Congress, have repeatedly declared their perfect conviction of the justice and validity of the title of the United States to the full extent of all the territory in dispute between the two powers.

The President was advised to open a new negotiation, and he did so; and repeated efforts have since been made by our Government, at various times, to bring the controversy to an amicable conclusion; but without success.

In January, 1839, it was ascertained that about 300 armed men from the British province of New Brunswick were committing depredations upon the territory on the Aroostook and Fish rivers in Maine; that they were cutting down destroying, and carrying away the valuable forest trees.

Information having been communicated to the Legislature of Maine, they authorized the Governor to send the land agent with a suitable civil posse to disperse the trespassers, and break up their works. The Governor accordingly despatched the land agent and a small civil posse to attend to that service. On arriving in the vicinity, the land agent, having invited the land agent of New Brunswick to meet him at a house about four miles from the place where our company was stationed, went there with four others, intending to spend the night. The British land agent did not make his appearance; but, during the night, the house was surrounded by about fifty armed men, who seized our agent and the persons who were with him in the house, and conveyed them to Frederickton, where they were imprisoned by orders of the provincial magistrates. The next day the British land agent and his assistant were seized by our men, and conveyed to Bangor, where they were furnished with superb rooms at the Bangor house, and held as hostages for the restoration of our land agent and his assistants. Sir John Harvey, the Lieutenant Governor of New

Brunswick, then issued a proclamation for the military to hold themselves in readiness; and sent a threatening letter to Governor Fairfield, under date of February 13, 1839, of which the following are extracts:

"Sir: I have just heard, with the utmost surprise and regret, that, without the courtesy of any previous intimation whatever to this Government, an armed force from the State of Maine has entered the territory, the claim to which is in dispute between Great Britain and the United States, and which, it has been agreed between the two General Governments, shall remain in the exclusive possession and jurisdiction of England until that claim shall be determined.

"Such, nevertheless, is the position in which I find myself placed by this overt act on the part of the State of Maine—one from which I do not hesitate in entreating your Excellency to relieve me, by ordering the immediate recall of a force whose presence within the precincts of the territory, as claimed by England, it is contrary to my instructions to permit; and it is proper that I should acquaint your Excellency that I have directed a strong force of her Majesty's troops to be in readiness to support her Majesty's authority, and protect her Majesty's subjects in the disputed territory, in the event of this request not being immediately complied with."

Governor Fairfield replied to this letter under date of February 19, 1839; and, after quoting the first paragraph, he says:

"In reply, I can but regret that your Excellency should have thought the use of such language suitable to be employed upon this occasion. If I am amenable to a charge of want of 'courtesy' in anything I have heretofore done, I will endeavor to manifest enough of that accomplishment in this reply, not to bandy epithets with one of whom I had formed so high an opinion as of your Excellency; and I will only say, further, that while I have the honor to hold the place I now occupy, I trust that a sense of duty to my State and her interests will always predominate over a mere blind regard to the artificial rules of etiquette. I think, however, that your Excellency would not have used that term, if you had considered, for a moment, that the proceedings of our land agent were in execution of a resolve of the Legislature of this State, adopted in *secret session*; and that no notice of these proceedings could have been given, without an unqualified breach of faith and duty."

In reply to the *threat* contained in the letter, he says:

"The party of the land agent is now on the territory, engaged in executing the trust with which it was charged; and, with my consent, will never leave it, while the protection of the property of the State from plunderers renders it necessary for them to remain. If your Excellency chooses to send an armed force to attempt their expulsion, I can only say that this State will endeavor to meet such an attempt as it will deserve. I have no threats to make or boasts to indulge. If Maine does her duty, as I trust in God she will, nothing that I could say in advance would add to the glory of her career. If she proves recreant to her duty, and tamely submits to be expelled from her territory by a force that she could successfully resist, nothing that I can say would tend to diminish the measure of her ignominy and disgrace."

A detachment of 10,000 of the Maine militia was ordered out to repel the threatened invasion. A part of this force proceeded to the places where the trespassers were committing their depredations—most of whom fled at the approach of our people; the others were arrested, and their works broken up.

The General Government having been called on, under the provision of the Constitution, to protect each State against invasion, despatched Major General Scott to Maine, to effect some arrangement by which hostilities should be prevented.

Through his mediation, an agreement was effected, in which Sir John Harvey stipulated that he would not, without renewed instructions to that effect from his Government, seek to take military possession of that territory, or endeavor, by military force, to expel therefrom the armed civil *posse*, or the troops of Maine. And Governor Fairfield stipulated that he would not, without renewed instructions from the Legislature of the State, attempt to disturb, by arms, the said province in the posses-

sion of the Madawaska settlements; or attempt to interrupt the usual communications between that province and her Majesty's upper provinces.

With this understanding, Governor Fairfield agreed to withdraw the military force of the State from the disputed territory; leaving only, under a land agent, a small civil *posse*, armed or unarmed, to protect the timber recently cut, and to prevent future depredations.

In pursuance of this agreement, the troops on both sides were withdrawn; and the land agent, and armed civil *posse* of Maine, remained on the territory according to the agreement.

Shortly after, the British land agent, with a party of men, ascended the St. John for the purpose of driving timber and logs, then within the jurisdiction of Maine, down the river within the New Brunswick line; when he was informed, by our assistant land agent, that his instructions were such that he could not admit of the timber being removed from the territory; whereupon the British land agent withdrew and abandoned the enterprise.

This act of Captain Nye, the assistant land agent, in preventing Col. MacLachlan, the British land agent, from seizing the timber and driving it beyond the jurisdiction of the State, was complained of by the Lieutenant Governor, in a letter to Gen. Scott, in which he says that, rather than incur the risk of collision, he had instructed their land agent "to withdraw within the settlement." He had no right, under the agreement, to exercise any jurisdiction beyond "the settlement;" and Capt. Nye was clearly in the line of his duty in protecting the property against any interference on the part of British authorities. Our civil *posse*, armed or unarmed, as we might choose, was to remain on the territory for the express purpose of protecting the timber then recently cut, and of preventing future depredations; and, on our part, we had agreed not to disturb, by arms, "the Madawaska settlements."

The agreement, on our part, was kept in good faith; but it was broken by the British.

In the following summer and fall, the British authorities commenced erecting fortifications; and, in fact, took military possession of a portion of the territory north of the St. John and the St. Francis. They erected barracks on the south side of the St. John, opposite Madawaska river. Two and a half miles below the fort of Tamiscouata lake, on the west bank of the Madawaska, they erected other barracks. On the west shore of Tamiscouata lake, about fifteen miles from its foot, they erected eight buildings, consisting of barracks for soldiers, quarters for officers, an hospital, magazine, storehouse, commissary's house, boat-house, boats, &c. They surrounded the whole by ditches, breastworks, and stockades. They are permanent works, and such as would be a sure defence against artillery and light arms, and are now occupied by British troops.

Our Government complained to Mr. Fox, the British minister, of these encroachments, in violation of the agreement between the parties. Mr. Fox, in his letter to Mr. Forsyth, Secretary of State, of January 26, 1840, denied, in substance, that any such encroachments had been committed.

On the 6th of March following, Mr. Forsyth wrote again to Mr. Fox, by direction of the President, enclosing a copy of a report made to the Governor of Maine by Benjamin Wiggins, the agent appointed to ascertain the precise character and extent of the occupation of parts of the disputed territory by British troops, and of the build-

ings and other public works constructed for their use and accommodation. Mr. Forsyth says:

"By that report, and the three depositions which the undersigned informally communicated to Mr. Fox, a few days since, he will perceive that there must be some extraordinary misapprehension, on his part, of the facts in relation to the occupation, by British troops, of portions of the disputed territory. The statements contained in these documents, and that given by Mr. Fox, in his note of the 26th of January last, exhibit a striking discrepancy as to the number of troops now in the territory, as compared with those who were in it when the arrangement between Governor Fairfield and Lieutenant Governor Harvey was agreed upon; and also as to the present and former state of the buildings there. The extensive accommodations prepared and preparing at an old and at new stations—the works finished, and in the course of construction, on the land and on the water—are not in harmony with the assurance that the only object is the preservation of a few unimportant buildings and storehouses, for the temporary protection of the number of troops her Majesty's ordinary service can require to pass on the road from New Brunswick to Canada.

"The undersigned will abstain from any remarks upon these contradictory statements, until Mr. Fox shall have had an opportunity to obtain the means of fully explaining them. How essential it is that this should be promptly done, and that the steps necessary to a faithful observance, on the part of her Majesty's colonial authorities, of the existing agreements between the two Governments should be immediately taken, Mr. Fox cannot fail fully to understand."

On the following day Mr. Fox returned an answer to Mr. Forsyth's letter, in which, among other things, he says that

"A detachment of her Majesty's troops has been stationed at the Lake Temisconata, from time to time, ever since the winter of 1837-'38, when the necessity arose from marching reinforcements by that route from New Brunswick to Canada; and it will be remembered that a temporary right of using that route for the same purpose was expressly reserved to Great Britain in the provisional agreement entered into at the beginning of last year.

"It is not, therefore, true (he continues) that the stationing of a military force at the Lake Temisconata is a new measure on the part of her Majesty's authorities; neither is it true that that measure has been adopted for other purposes than to maintain the security of the customary line of communication, and to protect the buildings, stores, and accommodations provided for the use of her Majesty's troops when on march by that route," &c.

With regard, again, to the construction of barracks and other buildings, and the preserving them in an efficient state of repair and defence, (he says,) a similar degree of error and misapprehension appears still to prevail in the minds of the American authorities.

He adds:

"The erection of those buildings within the portion of the disputed territory now referred to, for the shelter of her Majesty's troops while on their march, and for the safe lodgment of the stores, is no new act on the part of her Majesty's authorities. The buildings in question have been in the course of construction from a period antecedent to the provisional agreement of last year; and they are now maintained and occupied along the line of march, with a view to the same objects above specified, for which the small detachments of troops also referred to are, in like manner, there stationed."

The report of Mr. Wiggins, appointed by the Governor of Maine, on the 6th of February, 1840, referred to in Mr. Forsyth's letter, is dated the 27th of the same month. It is accompanied by a plan of the British military post at the head of Temisconata lake; and is as follows:

To his Excellency the Hon. JOHN FAIRFIELD, Governor of Maine:

The undersigned has the honor to report, that, in accordance with your commission of the 6th inst., he proceeded immediately to the St. John river, Temisconata lake, &c. and ascertained, by actual observation, the following facts:

That twenty-two miles below the mouth of Fish river, on the south side of the St. John, and nearly opposite the Madawaska river, a house has been fitted up for barracks, and is rented by the English Government for that purpose, though no troops are there at present; but it is built of hewn timber, two stories high, about fifty feet long and thirty wide; it has bunks prepared now for one hundred men; it is now in charge of one man only. From thence he followed up the Madawaska river, observing the tow-path on its east bank, which has been made

and repaired by the English Government, under contracts given out by James A. MacLauchlan, esq. of New Brunswick, the gentleman who has heretofore assumed to act as warden of the disputed territory. This work was accomplished the past season. The length corresponds with that of the east side of the Madawaska river, which is about twenty-six miles long.

Two miles and a half below the foot of the Temisconata lake, on the west bank of the Madawaska river, the English erected, early last summer, a barrack, about eighty feet long and thirty wide, and two small out-buildings. At this post there are now stationed one sergeant, one corporal, and five private soldiers, of company No. 3, 11th regiment, in the English service, where they have been since about the 1st of January last. Near this point commences a road, connecting it with the English works next described, built the past season, under contracts given out by said MacLauchlan, for the distance of sixteen miles, ten of which are fully completed, and the remaining six nearly. That fifteen miles from the foot of Temisconata lake, on its west side, the English have erected eight buildings as barracks for soldiers, officers' quarters, an hospital, a magazine, a storehouse, and a commissary's house—all of which are surrounded by ditches, breastworks, and stockades on three sides; the fourth is not fully completed. An accurate plan of all these works accompanies this report, and is here particularly referred to.

From Major Chambré, the commander at this fort, who was first informed of the object and cause of the inquiries, and from his officers, the following facts were ascertained:

That he was there stationed by the Government of the Canadas, having under his command one company of grenadier soldiers, numbering about eighty-five men, of the 11th regiment, and one light-company (the 3d) of same regiment, numbering about ninety men—in all, one hundred and seventy-five, not including officers commissioned or servants. The names of the officers are, Major Chambré, Captain Wallington, Lieutenants Bloss and Gould, and Eustis Toban. That the barracks were commenced last spring, and some of the buildings are still unfinished. That the first soldiers were stationed here in June last, comprising a sergeant, corporal, and ten men of the 24th regiment; and in November following, said company of grenadiers were ordered to take their place; and that about the 1st of January last they were reinforced by said 3d company. That the road from these barracks to the river Des Loups has been made and repaired the past season—distance about thirty-six miles.

In addition, the undersigned ascertained that the English have built at lake Temisconata a number of large flat-bottomed boats, and also keel-boats, each of which will serve to carry fifty men, and the flat bottomed boats would transport safely heavy ordnance. Outside the defences the English have a boathouse and storehouse.

The works at this fort are calculated to be a sure defence against artillery and light-arms, as will more fully appear from the plan annexed.

All of which is most respectfully submitted.

BENJAMIN WIGGIN.

AUGUSTA, ME., February 27, 1840.

Phineas Varnum, a citizen of Maine, on the 11th of the same month, gives the following testimony, in the form of a deposition by him subscribed and sworn to:

AUGUSTA, February 11, 1840.

Having just returned from Temisconata lake, where I have been on private business, and being requested by the Governor to communicate such facts as have fallen under my observation while there, I depose and say: That the provincial authorities have, the past season, erected extensive military works at the head of the lake, and others near the foot of the lake, beside the Madawaska river, that are just completed. The erections at this last station consist of barracks, sufficient for some four hundred men, and a storehouse, in charge of eight men. At the head of the lake there are some eight or ten buildings (two of which are large) two stories high, and furnishing quarters for some four to six hundred men. A stockade of timbers, to enclose these works, has been commenced; two or three hundred feet of which, as I should judge, have been completed. A road, connecting these posts, has been constructed the past season, a distance of about sixteen miles. I was at the stations above referred to in May last. At the post at the foot of the lake there were then no barracks and no men; at the other there were some French laborers, just commencing the post, but no soldiers had then arrived; but now about two hundred soldiers, as I was informed while there, (and I should judge there was that number from the appearance of the camp), are stationed at this place, under the command of Major Chambré.

PHINEAS VARNUM.

Thomas Bartlett and Mark Little, citizens of Maine, also testify, in substance, to the same things. The facts being established by the testimony of American citizens, after a personal view and examination on the spot of the roads, barracks, for-

tifications, buildings, gun-boats, transports, and troops, we are drawn irresistibly to the conclusion that the British minister had been misinformed on the subject; and that there had been, not only an *invasion of our territory*, as secured by the treaty of 1783, but a most gross violation of the *agreement of the parties made in March, 1839*.

The fact that the troops were stationed at Tamiscouata lake by the Government of the *Canadas*, instead of *New Brunswick*, furnishes no excuse to the British Government, who, of course, control all military movements, as well in the *Canadas* as in *New Brunswick*. It only evinces a desire to escape the odium of the act, by shifting the responsibility on to another agent. It also adds another to the long list of outrages and absurdities by an attempt to claim, as a part of the *Canadas*, what they had the preceding year claimed as a part of *New Brunswick*. In the fall of the same year, additional troops were also ordered by the Governor General of the British provinces to the Madawaska settlements; against which the authorities of Maine remonstrated both to the General and British Governments.

A renewed effort was now made on the part of our Government to effect a settlement of the question; and the outlines of an agreement for the appointment of commissioners, and, in the event of their disagreement, the selection of an umpire to make a final settlement of the matter, were fixed upon; but the two Governments have not yet been able to agree on the *details* of the convention. In the mean time, the British Government, with a view ostensibly to obtain such information as would enable them to judge correctly of the justice or injustice of their claim, appointed Messrs. Featherstonhaugh and Mudge as commissioners to make a topographical survey of the territory.

Having proceeded to the territory, and entered upon their duties, they soon discovered that the highlands described in the treaty of 1783, instead of dividing "the rivers which empty themselves into the St. Lawrence from those which fall into the Atlantic ocean," in reality divide two of the last-mentioned rivers, to wit: the St. John and the Penobscot—that the line which is described in the treaty as running from the source of the river St. Croix directly north to the highlands, should have been directly northwest—that the northwest angle of Nova Scotia, instead of being where it is described in the treaty, is to be found on the *side of a continuous line*, and is, in reality, *no angle* of Nova Scotia—that the commissioners in 1793 had not found the true source of the river which they had determined was the St. Croix; but that its *true source* was the Scoudiac lakes, *near the mouth* of the river. They found some hills in a westerly direction from Mars Hill, where their Government contend the highlands of the treaty are; and very strong indications that *there had, at one time, been a continuous range of highlands* in that direction; but that they had disappeared by *abrasion*, and the place where they had been located had now become so low and level, that a company, incorporated by the Legislature of New Brunswick in 1836, called the "St. Andrew's and Quebec Railroad Company," had actually projected a railroad, to run from St. Andrew's to Quebec over the same ground which, in 1783, was covered by the highlands described in the treaty!

Such, I believe, is a fair statement of a few of the inconsistencies and absurdities contained in the

report which they afterwards made to their own Government.

The Government of the United States have since appointed commissioners, (Messrs. Renwick, Graham, and Talcot,) who have been engaged during the two summers last past in a thorough exploration and scientific survey of the territory, and in running the meridian line. Their labors are not yet completed; and, of course, their final report has not yet been made. But I have reason to know that, while they have found nothing to weaken our title to the whole extent of the territory in dispute, they have found much which is calculated to show conclusively the unfounded character of the claim set up by the British.

On the part of Great Britain, it has been contended that the St. John was not an *Atlantic* river, because it did not, in the language of the treaty, "fall into the Atlantic ocean," but fell into the Bay of Fundy. It is true, the St. John does empty itself into the Atlantic *through* the Bay of Fundy. But that bay is a *part of the Atlantic*; and it may, with equal propriety, be argued that the Penobscot is not an Atlantic river, because it first falls into Penobscot Bay; or that the Kennebec is not an Atlantic river, because it first falls into the Bay of Sagadahock; or that the Connecticut is not an Atlantic river, because it first falls into Long Island sound.

Such, sir, is a brief sketch of the origin and history of the British claim, which had so small a beginning twenty-eight years ago—which begun in a proposition for "such a variation of the line of frontier as might secure a direct communication between Quebec and Halifax;" and, as a consideration for which, they were willing to give "an equivalent in frontier, or otherwise." It has now become a *bold and impudent demand* upon the United States for a *third part of one of the largest States in the Union*. Such are some of the outrages, injuries, and insults to which we have been subjected by that Government, in the assertion and prosecution of an unjust and baseless claim. Such are some of the inconsistencies and absurdities by which they have attempted to support that claim.

It is, I fear, one of the misfortunes the people of Maine labor under, that our State is located in the extreme east. Our very *existence* seems, at times, to be either unknown or forgotten. Intelligent men, residing in other parts of the country, have so imperfect a knowledge of the extent and value of the territory most unjustly claimed by Great Britain, that I have been frequently asked how wide and how long the *strip* of land in dispute is; how many acres it contains; whether there is any *timber* on it; and if, every thing considered, it be *worth* disputing about. And, sir, even members of Congress have been startled when I have told them that the territory in dispute is sufficiently large to make two or three States of the Union—that it is about as large as Massachusetts and Connecticut put together, and larger than several of the small States united; that it has some of the richest soil in New England; is situated in a healthy climate; is watered by numerous rivers; and covered, for the most part, with a valuable forest of timber trees. But, great as its *pecuniary* value is, its *national importance* is entitled to still graver consideration.

Mr. L. here exhibited a copy of the official map A, which was, by agreement of the two Governments, used before the arbiter in 1831; and pointed out the lines claimed by the respective parties, and that recommended by the Dutch King, with the

rivers and other localities necessary to a correct understanding of the question.

A glance at the map, sir, (said Mr. L.) will show that the claim set up by Great Britain embraces about one-third part of the whole State of Maine; that the territory now claimed extends northerly between New Brunswick and Canada; and must, during a portion of the year, intercept the communication between those provinces.

Its great value to England is in a *military point of view*, in order to maintain a direct communication, at all times, between the important posts in her provinces. A suitable military establishment, located in the northern part of the territory, would make their line of posts complete at all times, and would enable them to bring the whole military force of the provinces into action, at any required point, with short notice. On the contrary, this territory being in the possession of their adversary, suitable military works would enable him, with a small numerical military force, to check and control the action of a large army divided between the provinces. It requires no military skill to discover the disadvantage they would labor under, and the manner in which their movements would be counteracted by a small military force in possession of this territory, with their line of communication between their provinces broken up. England, therefore, needs this territory, or so much of it as will give her a direct communication between the provinces, to *increase her national strength*. She needs it to *strengthen her arm against the United States, and against no other nation under Heaven*. She requires the territory to *strengthen her against us*. If it be important, therefore, for her to obtain it, is it not equally important to us that she should not have it? If the possession of it will *strengthen her*, will it not *weaken us*? Will not the cession of it to England weaken us in a *two-fold proportion*—first, in the *loss of the important position, as a means of defence*; and, secondly, in the *additional strength and security it will give our enemy*? I submit, therefore, to the judgment of the committee, whether the United States ought ever to part with the territory, even with the consent of Maine, in case her consent should be obtained?

Here, then, is a question which has been pending for twenty-eight years; and, during that time, all the distinguished men at the heads of the respective Governments have been striving to effect an amicable settlement of it, without success: a question in relation to a matter of great national importance—one that has engaged the attention of the greatest statesmen of the two countries for more than a quarter of a century, respecting which the two nations have several times been on the brink of a war. Lord Ashburton is to remain here, as we have been told, but a few months. The ship in which he came out, and in which he is to return, will be at New York in a few days, to await his departure. Under these circumstances, the settlement of the long-pending question, in the short time he is to remain here, is, to say the least, *very problematical*.

But the gentleman from Virginia [Mr. GILMER] says the Legislature of Maine have appointed commissioners to visit Washington, and treat with the special minister for a new line, and the whole dispute will be settled in a few days. I sincerely hope it may be; but *on what terms* can it be so speedily adjusted? For, let me inform the committee, these commissioners are not sent here to *sell any portion of the territory of Maine*; they are to agree to nothing, except what may be *"consistent with the honor and interests of the State"*, having re-

gard to the line designated by the treaty of 1783."

As a citizen of Maine, sir, and one of her Representatives on this floor, I do not hesitate to say that, in my opinion, a proposition by Great Britain to give a *pecuniary* consideration for any portion of the territory, would be regarded by that State as an insult, and would be rejected with scorn. I hazard nothing when I say that any proposition to divide the territory, most unjustly brought into dispute, would be instantly rejected by our commissioners.

If Maine consents to the establishment of a new line, it must be one equally advantageous to her as the line of 1783. If she consents to part with any of her territory, it must be in a mutual exchange for the mutual benefit of the parties. If she parts with territory, she must receive territory of equal value. If she parts with what is *American*, she must receive what is *British*. If she grants a *right of way* across her territory, she must receive a *right of navigation* in the St. John. If she grants a *privilege to Britain*, she must receive a *privilege in return, of equal value*. Such, sir, are the terms on which an adjustment, perhaps, might be made consistent with the *honor and interests of Maine*.

But there is another view of the subject—one that touches very closely our national honor. Our title to the whole territory is beyond all fair and just controversy. The British Government, in violation of a solemn treaty, and of a subsequent recent agreement, have taken possession of a portion of it, and have erected military posts upon it, which are now manned by a large body of soldiers. Can the United States Government, consistently with its own honor, consent to treat with Great Britain for a new line, until our soil shall have been purged of every vestige of her encroachment? Has Great Britain sent her minister to *negotiate* with us in presence of *British bayonets and British cannon*? This is her mode of negotiation in *India, in China*, and some other countries; but it is not becoming the free, brave, and enlightened citizens of the United States. Let her remove her troops from our soil, if she really desires a fair and honorable termination of the controversy, in which neither party shall degrade itself. If she will not remove them, *they ought to be expelled, at all hazards, and whatever may be the consequences*.

Mr. Chairman: I find I have consumed so much time on this important topic, that I shall be able to do little more than glance at the remaining subjects in controversy between the two countries.

The seizure of American fishing vessels in the Bay of Fundy, and their condemnation in the British court of vice-admiralty at Halifax, for alleged violations of the convention of October 20, 1818, and a law of the province of Nova Scotia, passed in 1836, entitled William IV, chap. 8, was brought to the attention of Congress by a resolution I had the honor to introduce in the House on the 23d of March, 1840. The information procured by the resolution will be found in House Doc. 186, 1st sess. 26th Cong.

Among the fishing vessels so seized and condemned were the schooners Magnolia, Independence, Java and Hart, Battelle, Hyder Ally, Hero, Combine, Papineau, and Mary. The fishing grounds are fifteen or twenty miles from the British shore, exposed in the open sea; and the vessels are frequently obliged to run into the nearest harbors on the coast, to seek shelter from the storm, repair damages, purchase wood, and obtain water. That is a privilege secured to our fishermen by the convention; but they have no right to take, dry, or cure

fish in their bays or harbors, or within three miles of the British shore. These vessels, as will appear by the testimony, were not guilty of any violation of the treaty, and had entered their harbors only for some of the purposes before named; yet they were seized by British armed vessels in the employ of the Government, the men turned on shore, the vessels stripped of their cargoes, provisions, sails, and rigging, and condemned in the court of vice-admiralty at Halifax.

These vessels were engaged in the cod fishery—fishing for bounty—owned and manned by American citizens. Such are the conditions on which the owner can have a trial in that court, that a vessel once seized is wholly lost.

By the 10th section of that act, it is provided "that no person shall be admitted to enter a claim to anything seized in pursuance of this act, &c. until sufficient security shall be given, &c. in a penalty not exceeding sixty pounds." The funds necessary to advance in employing lawyers to conduct the cause, and to pay heavy court expenses, are said to be thirty or forty pounds more; making, together, from four to five hundred dollars—about as much as some of the vessels are worth. Then there are the master and fishermen among strangers, stripped of their property, and no person to assist them in regaining it. Besides, having signed fishing agreements, to be jointly interested in the fishing enterprise, and being generally interested as part owners of the vessel, they would be excluded from testifying in the cause; and left wholly at the mercy of what has been well termed, in one of the letters I have received on the subject, "a worse than star-chamber court."

The vessels, therefore, when once seized, are condemned and sold; the owners, in some instances, procuring a friend to buy the vessels at auction, as the cheapest way to get out of court.

There are several others I have an account of—amounting, in all, to about twenty—some of which were condemned; others released, on payment of expenses, which amounted, in one instance, to \$600 on a single vessel. I cannot learn that any satisfaction has ever been made by that Government to our citizens for those outrages; but our own Government, at my request, sent a sloop of war into that neighborhood during the summer of 1840, the presence of which checked the seizures for the time, although I learn they were renewed the next spring.

The violation of our rights of territory, property, and person, by a band of armed men, under the authority of the British Government, in the destruction of the steamer *Caroline*, and murder of at least one American citizen, on the Northern frontier, in 1837, is yet unatoned for; and the British minister, in a correspondence with our Secretary of State, Mr. Forsyth, calls her a "piratical steamboat," and the persons who testified against him who was charged with being one of the murderers, "perjured outlaws." He has even avowed the act, in his letter of December 13, 1840, as one of public force, "by persons in her Majesty's service, obeying the order of their superior authorities."

And again, in his letter to the present Secretary of State, Mr. Webster, dated March 12, 1841, he says:

"The transaction on account of which Mr. McLeod has been arrested, and is to be put upon his trial, was a transaction of a public character, planned and executed by persons duly empowered by her Majesty's colonial authorities to take any steps, and to do any acts, which might be necessary for the defence of her Majesty's territories, and for the protection of her Majesty's subjects," &c.

No satisfaction has yet been given by that Government for the outrages committed on the American brigs *Comet* in 1830, *Encomium* in 1834, *Enterprise* in 1835, and *Creole* and *Hermosa* in 1841. But I leave it to those gentlemen who are more directly interested than I am, and better qualified to do justice to the subject, to call the attention of Congress and the country to the importance of exacting from Great Britain the most ample satisfaction for those wrongs and injuries.

They have also invaded our territory in the Northwest, on the Columbia river; and, under pretence of establishing "trading-houses," are establishing numerous *military posts and fortifications*, and are filling them with soldiers, who, they pretend, are sent into the country for the purposes of trade and agriculture. But I will not dwell on a subject upon which the American people have been sufficiently enlightened by the labors and research of the gentleman from Massachusetts, [Mr. Cushing,] and an honorable Senator from Missouri, [Mr. Linn.]

Again: There are the insults offered to our flag, and the search and seizure of our ships, on the west coast of Africa, under the pretence of a suspicion that they were engaged in the slave-trade. Among the twenty-four cases of which I have seen some account, it will be sufficient to refer to a few of those which have been made the subject of correspondence between our late minister to the Court of St. James, (Mr. Stevenson,) and Lords Palmerston and Aberdeen.

Among those for which a formal demand of satisfaction has been made by our Government, are the following:

The barque *Jones*, of New York, seized by the British brig-of-war *Dolphin* at St. Helena, because the captain of the American vessel would not surrender his papers to the British officer. The brig *Tigris*, of Salem, by the British brig-of-war *Water Witch*, because the captain had an African boy on board as a hired servant. The ship *Sea Mew*, of Salem, by the brig-of-war *Persian*, because there was a small quantity of pine boards in the vessel, which had been used for flooring off her cargo. The crew of this ship were left on shore, and the master sent a prisoner in his own vessel, to Sierra Leone. I will mention but one other case—and that is the outrage on the barque *William and Francis*, of New York, by the British brig-of-war *Forrester*.

Captain Flowerly, master of the barque, states, in substance, that she was boarded on the coast of Africa on the 15th of October, 1840, by two boats' crews from the English vessel, armed to the teeth with pistols, cutlasses, and carbines; that a demand was then made by the British officer, in a most insolent manner, for the ship's papers; that they were produced, and exhibited by Captain F. to the officer, so that they might be read; that the officer demanded possession of them, which was refused; that the British officer and men (eighteen in number) then took possession of the barque; that, about noon, the British man-of-war anchored close to the barque, and the commander came on board with two boats' crews armed. Captain F. then produced his register, and held it for their perusal, as before stated.

The commander persisted in having possession of the register; which Captain F. would not permit, for fear of its being destroyed, as the officers said they believed the *William and Francis* to be Spanish property, under American papers. The commander then ordered the crew of the *William and Francis*

mustered, and put Captain F. under a guard; after which, the vessel was searched in the cabin, in trunks, and among clothing belonging to the officers and crew; sealed letters were opened, and also barrels of bread. The English commander asked Capt. Flowerly if he did not see the British ensign flying at his peak? "Yes," remarked Captain F., "and did you not see the American flag at my mast-head?" "Oh, yes," answered the officer, "but *we never mind it.*" About 5 p. m., they left the William and Francis, after keeping Captain F. under a guard of four men, with drawn swords, for nearly a whole day.

Thus we see the American flag insulted; and American ships, with American papers, American masters, and American crews, boarded on the high seas by British cruisers, searched in the most insolent manner, trunks and sealed letters opened, and the masters and seamen put under a British guard.

This pretended right of search, it is true, has, in the correspondence of Lords Palmerston and Aberdeen with Mr. Everett, been *nominally* abandoned. But they still persist in asserting the right of *visitation, inspection of the ship's papers*, and a decision by the British officers as to *their genuineness, regularity, and sufficiency* to prove that the vessel is, in reality, what her flag indicates.

This is a right nowhere recognised by the law of nations—one which, if it existed, would be subject to such abuses, that a nation with an immense navy, like Great Britain, might, in the exercise of it, drive the commerce of other nations from the ocean—one which the United States never have conceded, and never can concede, without sacrificing both their interest and honor. If we concede to British cruisers the right of visitation, and of adjudicating on the nationality of the vessel, *they will exercise the right of search, under various pretences and excuses.* It would open a door to abuses and outrages which could never be closed.

We cannot, therefore, concede to a British officer the right to visit an American ship, *except by the invitation of her lawful commander.*

I have now, sir, examined some of the subjects which are pending between us and Great Britain. They are matters of great magnitude, involving questions of vital interest to the institutions, safety, happiness, and independence of the United States. Some of them are of long standing, and of great intricacy and delicacy; and when I view them in all their magnitude and importance, and reflect on the course heretofore pursued by that Government,

in her relations with other nations, I am free to confess I have little confidence that the negotiations of Lord Ashburton will terminate in a peaceful adjustment of them.

Why, then, reduce your army and navy *at this time*, even if they are larger than would be needed on a permanent peace establishment? Will you in effect disband your army, dismantle your navy, and throw down the walls of your fortifications, while all these great matters are wholly unsettled? Does the peaceful attitude of England induce you to do so? Is that the example she is setting for you? No. She is constantly and rapidly increasing her army and navy. She is everywhere arming and fortifying against you. She has increased her fortifications at Halifax, where she has a large military and naval depot within a few hours' sail of the coast of Maine, New Hampshire, and Massachusetts. She has increased her fortifications in New Brunswick and in the Canadas. She has a large body of troops now in her provinces. She has a line of military posts across the territory of one of your States, making a continuous line from Halifax to Quebec. She has established military posts in our territory at the northwest. She is establishing an immense naval depot at Bermuda, near the coast of our southern States. She is strengthening her military force in the West Indies. She has, in fact, established a *cordon* of military posts around our whole country. In addition to which, she has a large fleet on the West India and North American station; and her steamers, built for war service, commanded by officers of her navy, and, as we are informed, with *cannon in their holds for ballast*, are daily visiting our harbors, and surveying our coast; while we—good, easy men—can see no indications of danger, are crying "peace, peace," and are about to commence a reduction of the army and navy.

Let me not be misunderstood. I have a strong desire for peace with all nations, and would make some concessions and sacrifices to avoid a resort to the *ultima ratio* of nations. But I would have *peace on just and honorable terms.* The way to insure peace is to do justice to others, and exact justice from them; or, in the language of a venerable ex-President, "to ask nothing that is not clearly right, and submit to nothing that is wrong." It is said that there is a point where forbearance ceases to be a virtue. In my judgment, we have long since passed that point; and I fear we are rapidly approaching that other point, where degradation and disgrace begin.







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